

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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K.L., individually and on behalf of M.L., a child  
with a disability,

*Plaintiffs,*

-against-

STATEMENT OF MATERIAL FACTS  
NOT IN DISPUTE

Case No. 12 Civ. 6313

WARWICK VALLEY CENTRAL SCHOOL DISTRICT,  
*Defendant.*

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Plaintiffs, by and through her attorneys, CUDDY LAW FIRM, P.C., pursuant to Local Rule 56.1 states the following undisputed material facts:

1. Plaintiff K.L. resides in the County of Orange, State of New York. Complaint ¶ 2; Answer ¶ 2.
2. Plaintiff M.L. is a child with a disability as defined by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1401(3)(A). Complaint ¶ 3; Answer ¶ 3.
3. K.L. is the parent of M.L. as defined by IDEA, 20 U.S.C. § 1401(23). Complaint ¶ 4; Answer ¶ 4.
4. Defendant Warwick Valley Central School District is a local educational agency as defined by IDEA. Complaint ¶ 5; Answer ¶ 5.
5. M.L. was born in 2000 and suffers from, *inter alia*, an autism spectrum disorder. Complaint ¶ 8; Answer ¶ 8.
6. M.L. was classified as a child with autism by defendant's committee on special education (CSE). Complaint ¶ 9; Answer ¶ 9.
7. By letter to the defendant dated June 15, 2012, plaintiff demanded a due process hearing pursuant to 20 U.S.C. § 1415(f)(1). Complaint ¶ 10; Answer ¶ 10.
8. Plaintiff's letter demanded, *inter alia*, a finding that defendant did not provide M.L. with a free appropriate public education (FAPE). Complaint ¶ 11; Answer ¶ 11.

9. The defendant appointed Kenneth Peters as impartial hearing officer (IHO).
10. On July 20, 2012, IHO Peters executed an "Agreement and Order." Complaint ¶ 12; Answer ¶ 12.
11. Plaintiff parent initiated an impartial hearing on behalf of M.L. Complaint ¶ 15; Answer ¶ 15.

Dated: Auburn, New York  
March 1, 2013

Respectfully submitted,

/s/ Jason H. Sterne

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